

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 7)
Mtg. Date March 6, 2018
Dept. Development Services Department

Item Title: **Public Hearing to Consider Variance Request VA1-700-0002 to Allow a Deviation from the Sign Ordinance to Authorize Additional Permanent Signs and Authorize a Freeway-Oriented Sign that Exceeds the Maximum Allowed Height and Size at 7164 Broadway (McDonald's Restaurant)**

Staff Contact: Arturo Ortuño, Assistant Planner
David De Vries, Development Services Director

Recommendation:

- 1) Conduct the public hearing; and
- 2) Either adopt a Resolution (**Attachment B**) approving Variance application VA1-700-0002 granting a deviation to the Sign Ordinance; or adopt a Resolution (**Attachment C**) denying Variance application VA1-700-0002 upholding the Sign Ordinance regulations.

Item Summary:

The variance request is to allow a deviation from the Sign Ordinance (Lemon Grove Municipal Code Section 18.12) to authorize additional permanent signs that will exceed the maximum allowed permanent signage for establishments located on the ground floor of a main building and authorize a freeway-oriented sign that exceeds maximum height and sign area for a commercial development.

Fiscal Impact:

No fiscal impact.

Environmental Review:

- | | |
|---|---|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input checked="" type="checkbox"/> Categorically Exempt, Section 15311 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input checked="" type="checkbox"/> Notice to property owners within 500 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- | | |
|---------------------------------|-----------------------------|
| A. Staff Report | D. Aerial and Vicinity Map |
| B. Draft Resolution of Approval | E. Exhibit A- Project Plans |
| C. Draft Resolution of Denial | |

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 7

Mtg. Date March 6, 2018

Item Title: Public Hearing to Consider Variance Request VA1-700-0002 to Allow a Deviation from the Sign Ordinance to Authorize Additional Permanent Signs and Authorize a Freeway-Oriented Sign that Exceeds the Maximum Allowed Height and Size at 7164 Broadway (McDonald's Restaurant)

Staff Contact: Arturo Ortuño, Assistant Planner
David De Vries, Development Services Director

Application Summary:

APPLICANT/OWNER:	McDonald's Corp., 10650 Trenea Street #111, San Diego, CA 92131
PROPERTY LOCATION:	7164 Broadway, APN: 479-021-12-00. The site is located on the north side of Broadway approximately 200 feet west of its intersection with Massachusetts Avenue.
PROJECT AREA:	0.88 acres (38,332.8 square feet)
EXISTING ZONE:	General Commercial (GC)
GENERAL PLAN LAND USE DESIGNATION:	Retail Commercial
SURROUNDING PROPERTIES:	North: General Commercial South: General Commercial East: General Commercial West: General Commercial
ENVIRONMENTAL IMPACT:	The project is Categorically Exempt from the California Environmental Quality Act Section 15311, Class 11. Mitigation measures are not required and no environmental impact is anticipated.

Attachment A

Background

In 2017, the city approved a request involving a 3,640 square feet façade and interior improvements to the existing McDonald's restaurant located at 7164 Broadway (B17-000-0252). A Zoning Clearance (ZC1-700-0021) was also submitted for a new side by side double drive-thru configuration and renovated landscaping. Currently, façade improvements have been completed and permits for the drive-thru configuration and landscape improvements have been issued. On October 26, 2017, McDonald's submitted a sign permit that would update the restaurant's signage to be more in line with the national brand (SGN-170-0015). Staff coordinated with the applicant on the existing sign regulations and the applicant requested additional signage and increased area and height of the proposed freeway oriented sign which is the reason for the variance request.

Discussion

The variance request is to allow a deviation from the Sign Ordinance (Lemon Grove Municipal Code Section 18.12) to authorize additional permanent signs that will exceed the maximum allowed permanent signage for establishments located on the ground floor of a main building and to authorize a freeway-oriented sign that exceeds maximum height and sign area for a commercial development. The existing, permitted and proposed signage are described as follows:

Existing Signage (To Remain):

Sign Type	Quantity	Total Area	Notes
Directional	1	3 sq. ft.	In compliance with Section 18.12.060.G (Exempt)
Flagpole	1	--	In compliance with Section 18.12.060.M (Exempt)
Monument #1	1	50 sq. ft.	In compliance with Section 18.12.040.D.13
Monument #2	1	50 sq. ft.	In compliance with Section 18.12.040.D.13
Total:		103 sq. ft.	

The existing on-site directional sign is exempt and would not count toward the maximum number of permanent signs which an establishment may display per Section 18.12.080.G of the Lemon Grove Municipal Code (LGMC).

The existing flag pole is exempt per Section 18.12.080.G of the LGMC and would not count toward the maximum number of permanent signs which an establishment may display. Flags or similar devices bearing noncommercial images and symbols may be displayed without a permit, subject to maximum allowed flag dimensions and pole height.

The existing monument signs located on Broadway and Massachusetts Ave. are considered entryway monument signs per Section 18.12.040.D.13. Entryway monument signs that are on land which is at least one acre in area and does not exceed fifty square feet in area and eight feet in height, are not counted towards the maximum number of permanent signs which an establishment may display. The existing monument signs are joint use monument signs with Pony Express Car Wash. The sign on Massachusetts Ave. is not on subject property.

Attachment A

Permitted Signage (SGN-170-0015):

Sign Type	Quantity	Total Area	Notes
Channel Arch	1	14 sq. ft.	In compliance with Section 18.12.040.C
Channel Letter	1	32.8 sq. ft.	In compliance with Section 18.12.040.C
Menu Board	2	29.5 sq. ft. (Each)	In compliance with Section 18.12.040.D
Gateway Clearance	2	--	Accessory structures (Exempt)
Springboard Canopy	2	--	Accessory structures (Exempt)
Total:		105.8 sq. ft.	

On October 26, 2017, city staff approved SGN-170-0015 authorizing two additional wall signs, two menu boards and accessory structures for the menu boards. Except for the allowance of a freeway oriented sign, this equates to the maximum allowable signage for the subject property which is three permanent signs, one monument sign at each entrance, one intercom sign and one freeway oriented sign. The Channel Arch and Channel Letter wall signs and one intercom menu board sign are counted towards the three allowed permanent signs which an establishment may display.

LGMC Section 18.12.040.D.9 allows drive-in or drive-thru establishments one additional intercom-equipped signboard that shall not exceed fifty square feet in sign area.

LGMC Section 18.12.040.D.13 allows for one monument sign at each entrance to the property along Massachusetts Avenue and Broadway in addition to other allowable signage.

LGMC Section 18.12.040.D.14 allows for a freeway-oriented sign for sites that have a minimum street frontage of one hundred and fifty feet and located within three hundred feet of the boundary of a freeway. McDonald's has a combined street frontage of 153.51 feet and is within three hundred feet of California State Route 94. The proposed freeway-oriented sign is allowed and will not count towards the maximum number of signs which an establishment may display, however, the applicant is proposing a freeway-oriented sign that exceeds the maximum sign area and height.

LGMC Section 18.12.040.D allows for additional permanent signage that the applicant is not pursuing. In addition to otherwise allowable signage, drive-in or drive-thru establishments qualify to display one additional permanent sign which may not exceed seven square feet in sign area (measured one side only). Also, Section 18.12.080.H of the LGMC allows one bulletin board per establishment, without a permit. All bulletin boards must be securely attached to a wall. Bulletin boards at commercial establishments shall not exceed nine square feet.

Proposed Signage:

Sign Type	Quantity	Total Area	Notes
Channel Arch	1	14 sq. ft.	Exceeds maximum number of permanent signs allowed.
Channel Letter	1	32.8 sq. ft.	Exceeds maximum number of permanent signs allowed.
Presell	1	8.8 sq. ft.	Exceeds maximum number of permanent signs allowed.

Attachment A

Freeway-oriented	1	161.4 sq. ft.	Not in compliance with Section 18.12.040.D. (Exceeds max. sign area and height)
Total:		217 sq. ft.	

The applicant's variance request is to add two permanent wall signs, one permanent freestanding sign (Presell sign) and a freeway-oriented sign located on the northeast portion of the site that exceeds the minimum area and height requirements. Section 18.12.040.D.14 states that freeway-oriented signs shall not exceed twenty five feet in height and one hundred twenty square feet in sign area. The applicant is proposing the freeway-oriented sign to be forty feet in height and 161.4 square feet in area.

City Council may approve this variance request based on the findings that other properties in the same vicinity and zone enjoy better visibility Avenue because access is more recognizable thereby creating less confusion for the motorist. In addition, three nearby businesses, such as In-N-Out, Taco Bell, and 76 Gas Station, all have freeway-oriented signs that exceed the height limit of 25 feet and the proposal would not be incompatible with freeway oriented signs in the area.

City Council may also deny this variance request since approval may grant the applicant a special exception from the Sign Ordinance (Section 18.12) with which other property owners must comply.

Public Information:

The Notice of Public Hearing was published in the February 22, 2018 edition of the East County California and mailed to all property owners within 500 feet of the subject property. The City of Lemon Grove received no comments in response to the Notice of Public Hearing and Environmental Analysis at the time this staff report was prepared. Staff will provide the City Council at the time of the public hearing with any comments.

Conclusion:

Staff recommends that the City Council conduct the public hearing and either approve the Resolution (**Attachment B**) to conditionally approve the variance application or approve the Resolution (**Attachment C**) to deny the variance application.

RESOLUTION NO.

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING VARIANCE REQUEST VA1-700-0002 TO ALLOW A DEVIATION FROM THE SIGN ORDINANCE TO AUTHORIZE ADDITIONAL PERMANENT SIGNS AND AUTHORIZE A FREEWAY-ORIENTED SIGN THAT EXCEEDS THE MAXIMUM ALLOWED HEIGHT AND SIZE AT 7164 BROADWAY, LEMON GROVE, CALIFORNIA.

WHEREAS, the applicant, Rick Anderton, filed a complete application for a Variance request (VA1-700-0002) on February 7, 2018 to allow a deviation from the Sign Ordinance (Lemon Grove Municipal Code Section 18.12) to authorize three additional permanent signs that will exceed the maximum allowed permanent signage for establishments located on the ground floor of a main building and to authorize a freeway-oriented sign that exceeds maximum height and sign area at 7164 Broadway, Lemon Grove, California; and

WHEREAS, a variance request associated with on-site signs is categorically exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15311; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on March 6, 2018; and

WHEREAS, the City Council determined that the following findings of fact as required by section 17.28.060(B) can be made as follows:

1. There are special property circumstances, (size, shape, topography, location or surroundings) that would cause the strict application of this title to deprive the property of rights enjoyed by other properties in the same vicinity and zoning district; and
 - a. **The subject property is a developed property bounded by Massachusetts Avenue and Broadway with difficult vehicular access to the site because of the capacity of vehicles and unique secondary access from Massachusetts Avenue. The entrance to the property from Massachusetts Avenue is difficult to find because of the narrow twenty three foot entrance that also shares access to the adjacent car wash. The location of the site is also within a heavily traveled location. The provisions of the Sign Ordinance do not accommodate properties with these unique circumstances. The property operates like a corner lot because it has frontages on two streets. The unique characteristics of this property support the findings of fact that this variance is necessary because of a unique circumstance or characteristic of the subject property that deprives the owner of a property right possessed by other properties in the same vicinity and zone.**
2. Granting the variance is necessary to preserve a substantial property right possessed by other property in the same vicinity and zoning district; and
 - a. **The City Council finds that other properties in the same vicinity and zone enjoy easier visibility from Massachusetts Avenue because access is more recognizable thereby creating less confusion for the motorist. In addition, three nearby businesses, such as In-N-Out, Taco Bell, and 76 Gas Station, all have freeway-oriented signs that exceed the height of 25 feet. This condition provides support for the required finding of fact that this variance is necessary for the preservation and enjoyment of a substantial property right possessed**

Attachment B

by the owners of other property in the same vicinity and zone. Allowing additional signage to the property will reduce confusion as to the location of the property reducing the number of vehicles from circling on Massachusetts Avenue and Broadway searching for the subject property.

3. Granting the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements; and
 - a. **Granting this variance request will not be detrimental to the public interest, safety, health or welfare or injurious to the property or improvements to the vicinity and zone in which the property is located because the proposed signs will be required to meet structural design standards and will not obstruct vehicular sight distance.**
4. Granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the same vicinity and zoning district.
 - a. **Granting this variance request will not provide special privilege with other properties in the vicinity because other businesses in the vicinity are more visible to the motorists and provide access more recognizable. The project is consistent with the General Plan because it proposes signage that will encourage economic vitality consistent with the policies of the Lemon Grove General Plan.**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

SECTION 1. Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

SECTION 2. Conditionally approves Variance VA1-700-0002, a request to allow a deviation from the Sign Ordinance (Lemon Grove Municipal Code Section 18.12) to authorize three additional permanent signs that will exceed the maximum allowed permanent signage for establishments located on the ground floor of a main building and to authorize a freeway-oriented sign that exceeds maximum height and sign area at 7164 Broadway, Lemon Grove, CA (McDonald's restaurant).

The approval of this variance shall be subject to the following conditions: |

A. Prior to construction of the signs on-site:

- 1) Sign planning permit shall be obtained prior to installation of the signs authorized by this resolution.
- 2) The plans submitted for permits shall show compliance with all appropriate Municipal Codes, except as provided herein.
- 3) The plans submitted for permits and subsequent submittals shall show substantial compliance to the approved plans associated with the variance request.

B. Upon certification by the Development Services Director, the following shall apply:

- 1) All physical elements of the proposed project shown on the approved Variance plans dated February 7, 2018 except as noted herein shall be constructed in conformance to the plans and in accordance with appropriate Lemon Grove Municipal Code or as determined to substantially conform by the Development Services Director.

Attachment B

- C. Future signage beyond those signs included in the Variance request shall not be subject to public hearing review and shall require submittal of a Sign Planning Permit for staff substantial conformance review and approval provided those future signs are consistent with Section 18.12 of LGMC and this variance.
- D. This Variance request expires on March 6, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date) unless construction or installation of signs has commenced prior to said expiration date.

RESOLUTION NO.

RESOLUTION OF THE LEMON GROVE CITY COUNCIL DENYING VARIANCE REQUEST VA1-700-0002 TO ALLOW A DEVIATION FROM THE SIGN ORDINANCE TO AUTHORIZE ADDITIONAL PERMANENT SIGNS AND AUTHORIZE A FREEWAY-ORIENTED SIGN THAT EXCEEDS THE MAXIMUM ALLOWED HEIGHT AND SIZE AT 7164 BROADWAY, LEMON GROVE, CALIFORNIA.

WHEREAS, the applicant, Rick Anderton, filed a complete application for a Variance request (VA1-700-0002) on February 7, 2018 to allow a deviation from the Sign Ordinance (Lemon Grove Municipal Code Section 18.12) to authorize three additional permanent signs that will exceed the maximum allowed permanent signage for establishments located on the ground floor of a main building and to authorize a freeway-oriented sign that exceeds maximum height and sign area at 7164 Broadway, Lemon Grove, California; and

WHEREAS, a variance request associated with on-site signs is categorically exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15311; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on March 6, 2018; and

WHEREAS, the City Council determined that the following findings of fact as required by section 17.28.060(B) cannot all be made as follows:

1. There are not special property circumstances, (size, shape, topography, location or surroundings) that would cause the strict application of this title to deprive the property of rights enjoyed by other properties in the same vicinity and zoning district; and
 - a. **The property is not physically constrained by lot size, dimension, topography or its surroundings. The maximum number of permanent signage which an establishment may display can be accommodated on the property. The proposed request is not considering additional signage allowed in Section 18.12 of the LGMC. For example; one rear wall sign under 3 sq. ft., one additional permanent sign under 7 sq. ft., and one bulletin board under 9 sq. ft. The additional signage allowed in Section 18.12 would replace the proposed permanent signage in this Variance request.**
2. Granting the variance is not necessary to preserve a substantial property right possessed by other property in the same vicinity and zoning district; and
 - a. **Granting the variance request does not afford the applicant a substantial property right enjoyed by other property owners in the vicinity. Most sites and similar businesses comply with the Sign Ordinance, specifically to maximum number of permanent signage which an establishment may display.**
3. Granting the variance will be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements; and
 - a. **The variance application increases the maximum number of permanent signage for establishments located on the ground floor of a main building and allows for a freeway-oriented to exceed the maximum allowed sign area and height.**
4. Granting the variance constitutes a special privilege inconsistent with the limitations upon

Attachment C

other properties in the same vicinity and zoning district.

- a. **Approval of the variance request would grant the applicant a special exception from the Sign Ordinance (Section 18.12) with which other property owners must comply.**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

SECTION 1. Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

SECTION 2. Denies Variance VA1-700-0002, a request to allow a deviation from the Sign Ordinance (Lemon Grove Municipal Code Section 18.12) to authorize three additional permanent signs that will exceed the maximum allowed permanent signage for establishments located on the ground floor of a main building and to authorize a freeway-oriented sign that exceeds maximum height and sign area at 7164 Broadway, Lemon Grove, CA (McDonald's restaurant).



VA1-700-0002



Legend

- 7164 Broadway
- LG Parcels
- Roads



Attachment E

EXHIBIT A – PROJECT PLANS

Not Attached

Enclosed in City Council packet or available at City Hall for Review